

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

5.30 DELAYED ENFORCEMENT OF NEW RECORDKEEPING REQUIREMENTS Date: January 21, 2002

I. Background

The Department of Labor and Industries (L&I) has adopted revised requirements for injury and illness recordkeeping by Washington employers. The complete recordkeeping requirements are found in Chapter 296-27 WAC. These changes are based on revisions to federal requirements by the Occupational Safety and Health Administration (OSHA), and are identical to the federal changes in most respects (the exceptions being that some Washington employers in health care and in the public sector will continue to be required to keep records, although they would be exempt from the federal OSHA requirements). Both the federal and state revisions took effect on January 1, 2002.

Federal OSHA has indicated that it will effectively delay enforcement of the new requirements for 120 days. L&I determined to provide a delay in enforcement of the new requirements until January 1, 2003, as described in the original WISHA Regional Directive (WRD) 5.30, issued December 19, 2001. In reviewing the December 19 WRD, federal OSHA asked for clarification regarding the need to encourage employers to comply with the new recordkeeping requirements as quickly as possible. This revised WRD is a result of that request.

II. Scope and application

This WISHA Regional Directive (WRD) provides guidance to WISHA enforcement and consultation staff whenever they must consider the application of the WISHA recordkeeping requirements

III. Special Enforcement Protocols

When will employers be subject to citation for recordkeeping violations?

For injuries and illnesses occurring in calendar 2002, L&I will not cite employers for violations of the new recordkeeping requirements of Chapter 296-27 WAC (the new recordkeeping requirements) unless they would also have been in violation of the requirements of the previous Chapter 296-27 WAC.

In such cases, WISHA enforcement and consultation staff should advise the employer of the new requirements and note that the employer is in apparent violation but that the department is not citing the violation as a matter of enforcement discretion. However, staff are expected to encourage the employer to come into compliance with the new rules as soon as possible and to provide any necessary information and assistance to the employer about the new requirements, including the location of the necessary forms on the OSHA website and the availability of workshops and other assistance regarding the new requirements.

If employers are in violation of both the new and old requirements, they must be cited using the newly adopted language and requirements.

Approved: _____

Michael Wood

Senior Program Manager, WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 – or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).